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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,045	04/24/2001	Joachim Endler	Q64014	3698

7590

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,045

Applicant(s)

ENDLER, JOACHIM

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-8 and 10-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Cree et al. (US 6,665,380).

Regarding **claim(s) 1 and 5**, Cree discloses a telecommunication system (FIG. 1 and column 1, lines 6-9), comprising:

a first and second terminal (110 and 150 on FIG. 1);

a switch (130 on FIG. 2A) having a detector (204 on FIG. 2A) and a processor (202 on FIG. 2A);

a memory (210 on FIG. 2B) for storing at least one message originating from the first terminal and destined for the second terminal, the at least one message being associated with a specific signal generated by the first terminal (FIG. 2 B and column 5, lines 13-37) [The disk storage 110 has the recording files 224 and 226, the caller leaves a message for the inmate with a specific account and pin associate with the message];

the second terminal comprising:

a generator for generating the specific signal to be sent to the switch, the specific signal indicating that a user of the second terminal is interested in the at least one message associated with the specific signal (FIG. 8, column 10, lines 38-50 and column 11, lines 10-15),

wherein in response to detecting the specific signal, the processor of the switch automatically orders the memory to generate and send the at least one message to the second terminal (FIG. 9 and column 11, lines 10-21) [The inmate enters the account number and the pin number that the caller and the system checks the numbers and if they are valid delivers the message to the inmate].

Regarding **claim(s) 2 and 6**, Cree discloses the specific signal comprises a destination signal defining a destination of the first terminal or comprises a predefined specific code (column 7, lines 42-50).

Regarding **claim(s) 3 and 7**, Cree discloses a further generator for generating an indication signal to be sent to the switch and identifying at least one message originating from a user of the first terminal being a specific message, the switch further comprising a detector for detecting the indication signal (column 10, lines 38-50).

Regarding **claim(s) 4 and 8**, Cree discloses the indication signal comprises at least a predefined indication code or a destination signal defining a destination of the second terminal (column 7, lines 42-50).

Regarding **claim(s) 10**, Cree discloses all the limitations of **claim(s) 10** as stated in **claim(s) 1**'s rejection above and furthermore Cree discloses detecting, by a switch, the specific signal (FIG. 8 and column 10, lines 38-50); and

ordering, automatically in response to detecting the specific signal, the memory to generate the at least one specific message to be sent to the second terminal (FIG. 10 and column 11, lines 36-43).

Regarding **claim(s) 11 and 13**, Cree discloses the specific signal comprises a destination signal defining a destination of the second terminal (column 7, lines 42-50).

Regarding **claim(s) 12 and 14**, Cree discloses the indication signal comprises a destination of the second terminal (column 7, lines 42-50).

Response to Arguments

3. Applicant's arguments with respect to **claim(s) 1-8 and 10-14** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
July 8, 2005



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